

LEA CRITERIA

When an LEA pays for an independent educational evaluation, the criteria for selecting an examiner for the independent evaluation must be the same criteria that the LEA uses when it arranges for an evaluation (as long as those criteria do not interfere with your right to an independent educational evaluation). Examples of the criteria are the location of the evaluation and the qualifications of the examiner.

Except for the criteria described above, an LEA may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.



In Other Words...

The LEA must require you to use the same criteria it uses when selecting someone to conduct an evaluation. However, it cannot require you to use the same criteria if it interferes with your right to an IEE.

4. ACCESS TO RECORDS 34 CFR §§ 300.610 - 300.625 and NC 1505-2

DEFINITIONS AS USED UNDER THIS SECTION

- a. **Destruction** - Physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- b. **Education records** - The type of records covered under the definition of "education records" in the Family Educational Rights and Privacy Act (FERPA). **Information about FERPA is located at** <http://ed.gov/policy/gen/guid/fpco/index.html>
- c. **Personally identifiable** - Information that includes your child's name, your name as the parent or the name of another family member; your child's address; a personal identifier such as your child's social security or student number, a list of personal characteristics; or other information that would make it possible to identify your child with reasonable certainty.

CONFIDENTIALITY – NOTICE TO PARENTS

The NC Department of Public Instruction must give notice that is adequate to fully inform parents about confidentiality of personally identifiable information, including:



You have the right to be told by NCDPI how information on your child will be used and kept confidential by the State.

- a. A description of the extent to which the notice is given in the native languages of the various population groups in NC;
- b. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the state uses in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
- c. A summary of the policies and procedures that the LEA must follow about storage, disclosure to third parties, keeping records, and destruction of personally identifiable information; and
- d. A description of all of the rights of parents and children about this information, including the rights under the Family Educational Rights and Privacy Act (FERPA).

Before any major identification, location, or evaluation activity (Child Find), the notice must be published or announced in newspapers or other media, or both, with circulation adequate to notify parents throughout the state of the activity to locate, identify, and evaluate children in need of special education and related services.

ACCESS TO RECORDS

The local educational agency (LEA) must allow you to inspect and review any education records relating to your child that are kept or used by your LEA under IDEA. The LEA must comply with your request to inspect and review any education records on your child without unnecessary delay and before any meeting about an IEP or any impartial due process hearing (including a resolution meeting or a hearing about discipline) and in no case more than 45 days after you have made a request. Your right to inspect and review education records includes:



The LEA must not delay your review of your child's educational records and must let you review them before any IEP meeting or due process hearing. The LEA must let you review the records within 45 days of your request.

- a. Your right to a response from the LEA to your reasonable requests for explanations and interpretations of the records;
- b. Your right to request that the LEA provide copies of the records if you cannot effectively inspect and review the records; and
- c. Your right to have your representative inspect and review the records.



You have the right to review your child's education records, ask for an explanation of any records you do not understand, ask for copies if you cannot go to the school to review your child's records, and have someone who represents you review your child's records.

The LEA may presume that you have authority to inspect and review records relating to your child unless advised that you do not have the authority under applicable NC law governing such matters as guardianship or separation and divorce.